

LITIGATION ROSTER

FRANCHISE AND INCOME TAX

DECEMBER 2008

**Franchise and Income Tax
December 2008**

NEW CASES

Case Name

Court/Case Number

NONE

CLOSED CASES

Case Name

Court/Case Number

Tyler-Griffis, Patricia

Sacramento Superior No. 07CS00449

Please refer to the case roster for more detail regarding new and closed cases

Franchise and Income Tax

LITIGATION ROSTER

December 2008

BATES, ALEX, et al. v. Franchise Tax Board, et al.

Los Angeles Superior Court Case No. BC 287896

Court of Appeal, Second Appellate District Case No. B169940

Plaintiffs' Counsel

Derek L. Tabone

Law Offices of Tabone, APC

Filed – 04/14/03

BOE's Counsel

Brian Wesley

BOE Attorney

Jeff Angeja

Issue(s): This lawsuit deals with a non-filing Franchise and Income Tax (FIT) appellant's contentions that the BOE does not comply with the Information Practices Act (IPA). Based upon the alleged violations of the IPA, plaintiffs request preliminary and permanent injunctions against all defendants to restrain them from violating the provisions of the IPA.

Audit/Tax Period: None

Amount: Unspecified

Status: At the hearing on December 3, 2007, the Court granted BOE's and FTB's Motion for Stay of this case pending the Court of Appeal decision in *Ballmer v. Franchise Tax Board*. Status conference re Stay has been continued from October 29, 2008 to March 5, 2009.

SCHROEDER, DONNIE v. State Board of Equalization, et al.

Sacramento County Superior Court Case No. 34-2008-00023624

Plaintiff's Counsel

Donnie Schroeder

In pro per

Filed – 10/02/08

BOE's Counsel

Stephen Pass

BOE Attorney

Robert J. Stipe

Issue(s): Plaintiff contends that the State of California, by and through the Franchise Tax Board (FTB) and State Board of Equalization (BOE), made intentional settling determinations of plaintiff's tax liability during the period 1995 to the present. Further, FTB and BOE ignored plaintiff's rights to judicial review in violation of plaintiff's constitutional rights. FTB published personal and private information with the Sacramento County Recorder's Office, allowing public viewing of plaintiff's private information to the general public.

Audit/Tax Period: None

Amount: Unspecified

Status: Demurrer by Defendant State of California, acting by and through the Franchise Tax Board (FTB) and State Board of Equalization (BOE), was filed November 6, 2008. Hearing on the Demurrer is set for January 9, 2009.

FRANCHISE AND INCOME TAX
CLOSED CASES
LITIGATION ROSTER
December 2008

TYLER-GRIFFIS, PATRICIA v. State Board of Equalization

Court of Appeal, Third Appellate District: C056745

Sacramento Superior Court Case No. 07CS00449

Plaintiff's Counsel

William E. Taggart, Jr.

Taggart & Hawkins

Filed – 04/11/07

BOE's Counsel

Jeff Rich

BOE Attorney

Amy Kelly

Issue(s): Whether the taxpayer is entitled to relief as an innocent spouse; whether innocent spouse cases are subject to the “pay now, litigate later” rule; whether the BOE is the proper agency to sue ([Revenue and Taxation Code section 18533](#); [Appeal of Patricia Tyler-Griffis, 2006-SBE-004, \(Dec. 12, 2006\)](#)).

Audit/Tax Period: 1984

Amount: Unspecified

Disposition: On September 29, 2008, the Court of Appeal upheld the trial court decision in favor of BOE. No further appeal.

DISCLAIMER

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